

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KIRK AND AMY HENRY,

Plaintiffs,

vs.

FREDRICK RIZZOLO, aka RICK RIZZOLO, *et al.*,

Defendants.

Case No. 2:08-cv-00635-PMP-GWF

**ORDER**

This matter comes before the Court on Plaintiffs' Motion for Order Directing the United States Marshal to Serve Writ of Garnishment (#744), filed on March 11, 2013. Oppositions to the Motion were due March 28, 2013.

Plaintiffs represent that on May 22, 2012, they issued a Writ of Garnishment to the United States Marshal's Service ("USMS") for service on Metropolitan Life Insurance Company ("Metlife"). On September 17, 2012, this Court permitted seizure of Defendant Fredrick Rizzolo's various annuity accounts including "the annuity issued to Kimtran Rizzolo by Metropolitan Life Insurance Company[.]" *See Order, Doc. # 634* at 11:12-13. Plaintiffs represent they subsequently issued a second Writ of Garnishment to the USMS for the Southern District of Iowa, which again refused to serve the Writ on Metlife. This Court later stated that "[g]iven the garnishment procedures under the Nevada law, there appears to be no valid reason for not serving the writ of garnishment and seizure on Metlife." *See October 12, 2012 Order, Doc. #664* at 5 n. 1. Nevertheless, Plaintiffs claim the USMS still refuses to serve the Writ on Metlife without a court order.


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1 Under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in  
2 response to any motion shall constitute a consent to the granting of the motion. The time to oppose  
3 the instant Motion has expired, and no opposition has been filed. Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Order Directing the United States  
5 Marshal's Service to Serve the Writ of Garnishment on Metropolitan Life Insurance Company  
6 (#744) is **granted**.

7 **IT IS FURTHER ORDERED** that the United States Marshal shall serve the Writ of  
8 Garnishment on the Garnishee Defendant Metropolitan Life Insurance Company within 10 days of  
9 the date of this Order.

10 DATED this 4th day of April, 2013.

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13 GEORGE FOLEY, JR.  
14 United States Magistrate Judge  
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